

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF
BRANSTROM et al.

Appln. No. 08/711,961

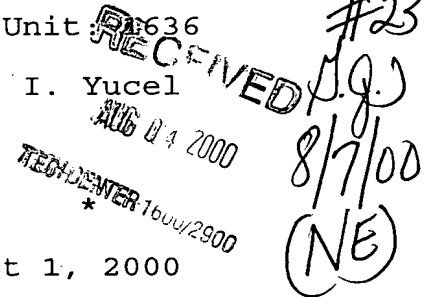
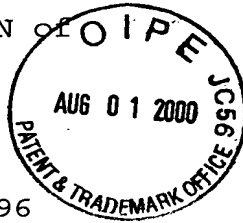
Filed: September 6, 1996

Title: BACTERIAL DELIVERY SYSTEM

Att: Box AF

Group Art Unit 636

Examiner: I. Yucel



* * * *

August 1, 2000

RESPONSE

Hon. Commissioner of Patents
and Trademarks
Washington, D C. 20231

Sir:

In response to the Office Action issued March 3, 2000,
please consider the following remarks.

REMARKS

Claims 45-55 are under examination. Reconsideration is
requested.

Claims 45-55 were provisionally rejected under the
judicially created doctrine of obviousness-type double
patenting as being unpatentable over claims 1-17 of U.S. Pat.
No. 5,824,538. Upon indication from the Examiner that the
pending claims are otherwise in condition for allowance,
Applicants will file a terminal disclaimer.

Claims 45-55 stand rejected under 35 USC § 102(e) as
being anticipated by Powell et al. (U.S. Pat. No. 5,877,159).
This rejection is respectfully traversed. The Examiner's
attention is again directed to the Rule 131 Declaration of Dr.
Donata Sizemore, filed on January 19, 2000 with the previous